

Applicant: David S. Lawrence
Serial No.: 10/755,086
Filed: January 9, 2004
page 191 of 193

REMARKS

Claims 49, 56-71, 73-80, 82-84, 86-102, 122-123, 127-131, 133-134, 137-143 and 146-148 were pending in the subject application. Dependent Claims 70, 79, 80, 82, 84, 92, 93, 94, 96-97 and 101 are withdrawn from consideration as directed to non-elected species. By this Amendment, Claim 95 has been canceled without prejudice or disclaimer, Claims 49, 56, 79-80, 88, 90, 92-93, 97 and 122 have been amended, and new Claims 149-150 have been added. Applicant maintains that the amendments do not raise an issue of new matter. Claims 49 and 122 have been amended to add a SEQ ID NO. Support for these amendments can be found at least in Claim 90. Claim 83 has been amended to include the subject matter of Claim 56 at the time of the Office Action issued on August 8, 2007. At that time, the Examiner indicated that Claim 83 was objected to as depending on a rejected claim. Claim 83 has now been rewritten in independent format to recite features of the base claim (Claim 56) as well as then intervening Claim 81. Claim 88 has been amended to indicate representation for the amino acid side chains. For example, the application on page 41 indicates that the compound labeled number 21 in Table 3 [which is compound 21 in Claim 88] is the same as compound 2 in Example I, which is also shown in Scheme 2, where the side chains are indicated. Compound 2 of Example I is identified, for example, in paragraph [0090] on page 29 of the application as 7-nitrobenz-2-oxa-1,3-diazole (NBD)-NH-Ser-Phe-Arg₄-Lys-amide. Claim 90 has been amended to include the features of Claim 95, which has been canceled. Dependent Claims 96-97 have been re-written in independent form by incorporating the features of Claim 90 from which they previously depended. Support for new Claims 149-150 can be found in at least Claims 86 and 87. Support for the remaining claim amendments can be found at least in the previous version of the claims. Accordingly, entry of the amendment is respectfully requested.

Applicant: David S. Lawrence
Serial No.: 10/755,086
Filed: January 9, 2004
page 192 of 193

May 5, 2009 Telephone Interview

Applicant's undersigned attorney thanks Examiner Chih-Min Kam for the courtesy of a telephone interview on May 5, 2009. During the interview, the Examiner indicated that the rejections under 35 U.S.C. §102(b) and 35 U.S.C. §102(e) have been withdrawn, and that the claims contain allowable subject matter. The Examiner and the undersigned attorney discussed amendments to the claims that would advance the prosecution towards allowance of the application. The Examiner suggested that applicant submit this Supplemental Reply to make of record that amendments that were agreed on. Applicant understands that the current Examiner was only assigned to this case since the issuance of the current (November 12, 2008) Office Action. If the Examiner should identify any remaining matters preventing the allowance of the subject application, the Examiner is requested to telephone the undersigned attorney.

Request for re-instatement of withdrawn species claims

Upon allowability of an independent claim, re-instatement and consideration of withdrawn dependent species claims are respectfully requested (37 CFR §1.141, MPEP §806.04(d)).

Applicant: David S. Lawrence
Serial No.: 10/755,086
Filed: January 9, 2004
page 193 of 193

CONCLUSIONS

No fee is deemed necessary in connection with the filing of this Supplemental Reply. However, if any fee is required with this reply or to preserve the pendency of the subject application, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 01-1785.

Respectfully submitted,

AMSTER, ROTHSTEIN & EBENSTEIN LLP
Attorneys for Applicant
90 Park Avenue
New York, New York 10016
(212) 336-8000

Dated: May 12, 2009
New York, New York

By /Alan D. Miller/
Alan D. Miller, Reg. No. 42,889